
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 26th November 2005, further amend the regulations referred to below, as amended by the Education (Graduate Endowment, Student Fees and Support) (Scotland) Amendment Regulations 2005 (S.S.I. 2005/341) (“the 2005 Regulations”). The 2005 Regulations created a new category of student eligible for support and liable for the graduate endowment. The new category is subject to requirements for ordinary residence on a qualifying date and for three years preceding that date, except in the case of the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992 (“the 1992 Regulations”) in which only the latter requirement applies.

Regulation 2 amends the 1992 Regulations by omitting from regulation 2 the definitions of “relevant day” and “national of a member state of the European Community”. It also amends paragraph 9 of Schedule 1 to clarify the definition of the new category of student.

Regulations 3, 5, 6 and 7 amend each of the Education Authority Bursaries (Scotland) Regulations 1995 (“the 1995 Regulations”), the Students' Allowances (Scotland) Regulations 1999, the Graduate Endowment (Scotland) Regulations 2001 and the Education Maintenance Allowances (Scotland) Regulations 2004 (“the 2004 Regulations”) to clarify that paragraph 1(a) of Schedule 2, which makes provision for temporary absence from the United Kingdom, applies to the requirement for residence on the qualifying date and that paragraph 2 applies only to the requirement for three years' residence.

Regulations 3 and 7 also amend the 1995 and 2004 Regulations to clarify that the conditions for ordinary residence provided for in each case in sub-paragraphs 2(3)(a) and (b) are alternative rather than cumulative.

Regulation 4 rectifies an error in the Education (Fees and Awards) (Scotland) Regulations 1997, as amended by the 2005 Regulations, to clarify that the new category of student constitutes an exception for the purposes of Schedules 1 and 2.

Regulation 7 amends the 2004 Regulations to substitute in relation to the new category of student a requirement for ordinary residence in the United Kingdom and Islands in place of a requirement for such residence in Scotland.